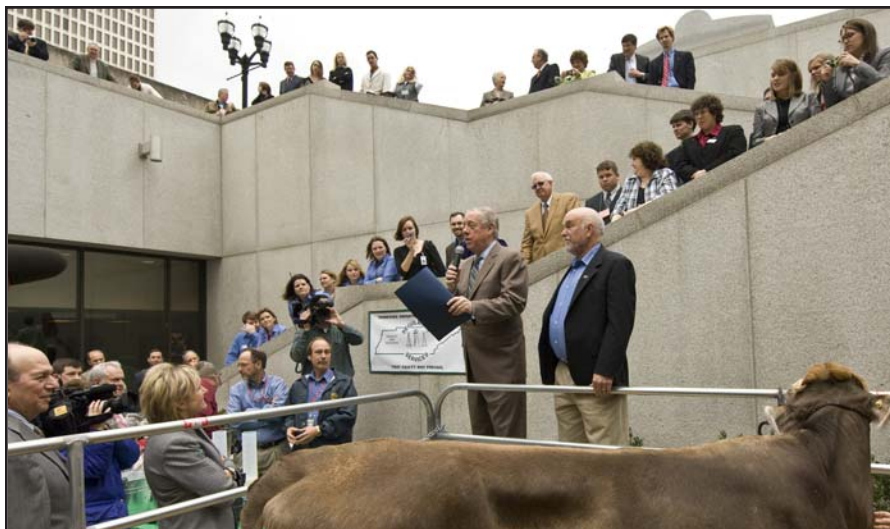


march 20, 2008

THE RESEARCH REVIEW

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Governor Phil Bredesen joined Agriculture Commissioner Ken Givens Tuesday in honoring this year's *Ag Day on the Hill* activities. One of the events was a milking contest at Legislative Plaza which put Senator Charlotte Burks against Representative Mike Harrison. Unfortunately, after the milk was measured, Rep. Harrison's efforts "paled" in comparison to Sen. Burks' as she carried away the prize to benefit the Second Harvest Food Bank. The lucky cow was Giggles, owned by Jared Major of Norene, Tennessee in Wilson County.

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Tuesday was Ag Day on Capitol Hill. There were no bills on notice, but the committee did hear four presentations. J.D. Key and Ethan Claridy spoke on behalf of Trousdale County 4-H. Barbara Conner, owner of *Shannon Acres Farm*, spoke on horse racing and showed a video of her thoroughbred named “TDOT”. Roy Major, *Major Dairy Farm*, addressed the committee on dairy farms in Tennessee. Joe Elliott, *Robert Elliott and Sons*, gave an update on the beef industry in this state.

There were also livestock displays including a dairy cow, goats, chickens and “TDOT” at the entrance of the Plaza and numerous agriculture displays along the Plaza hallway. Senator Burks beat out Rep. Harrison in a milking contest and was named “Capitol Hill Milker”.

children & family affairs

Amelia Mitchell



Chairman DeBerry

The **Children & Family Affairs Committee** met on Wednesday, March 19th and considered the following legislation:

Referred to Calendar & Rules as amended:

HB 2720 by Rep. Fincher expands the offenses for which notice must be given to schools when a juvenile offender is sent back into a regular school setting. The bill was

amended in committee by adding the section § 33-3-109 which deals with the release of information to family members and other designated persons.

Referred to Finance, Ways & Means:

HB 3936 by Rep. S. Jones requires the Commission on Children and Youth to design and oversee a resource mapping of all federal and state funding sources that support the health, safety, permanence, growth, development and education of children of the state.



Rep. Jones

The following bills were deferred one week:

HB 3097 by Rep. Curtiss requires the youth services officer, probation officer, or DCS to notify the school principal in writing of the nature of an adjudicated delinquent's offense and probation requirements related to school attendance before the child

resumes or begins school attendance.

HB 2908 by Rep. Sherry Jones creates the Department of Juvenile Justice and transfers all programs and services related to children adjudicated delinquent or unruly from DCS.

HB 2820 by Rep. Sherry Jones requires that a Guardian ad litem be appointed for a child during all stages of a contested termination or adoption matter and requires all proceedings of such to be confidential unless the confidentiality is waived by both parties. This bill also grants the court the authority to make a default finding in accordance with the Tennessee Rules of Civil Procedure when a verified answer by all parties in a termination of parental rights is not filed.

HB 2622 by Rep. S. Jones was amended to rewrite the bill in order to restate the focus of DCS from preserving the relationship between child and family to serving the best interest of the child.

Domestic Relations Subcommittee

The **Domestic Relations Subcommittee** met on Tuesday, March 18, 2008, to consider its calendar and the following bills were passed to full committee:

HB 2970 by Hardaway establishes the "Office of Non-custodial Parent Advocacy."

HB 2538 by Fincher as amended expands the reasons for which a court may waive or extend the mediation requirement for parties in a divorce or separate maintenance proceeding.

The following bill was deferred one week:
HB 1284 by Rep. Crider

The following bills failed:
HB 2961 by Rep. Hardaway
HB 2423 by Rep. Hardaway

The following bill was taken off notice:
HB 2962 by Rep. Hardaway

Family Justice Subcommittee

The **Family Justice Subcommittee** met on Tuesday, March 18, 2008, to consider its calendar and the following bills were passed to full committee:

HB 3717 by Rep. Gilmore as amended adds immunity for certain reports made at the request of law enforcement to existing privileges and immunities under mandatory child abuse reporting statute.

HB 2909 by Rep. S. Jones as amended clarifies that juvenile court proceedings that are under appeal shall be made pursuant to the Tennessee Rules of Appellate Procedure.



Rep. Richardson

HB 4099 by Rep. Richardson rewrites the Interstate Compact for Juveniles

HB 2884 by Rep. Gresham prevents permanent modification of a child custody decree based solely on one parent being called to active military service.

HB 2910 by Rep. S. Jones expands list of offenses which, if

a child has been adjudicated delinquent therefore, the parents of the child must notify the appropriate principal when enrolling the child in and LEA.

HB 2911 by Rep. S. Jones expands the facilities for which and alleged or adjudicated delinquent juvenile can be charged with the offense of escape or attempted escape.

The following bills were deferred one week:

HB 2969 by Rep. Hardaway
HB 3284 by Rep. Maddox
HB 2819 by Rep. S. Jones (amended)
HB 2619 by Rep. Gilmore
HB 2883 by Rep. DuBois
HB 4079 by Rep. Litz, Hawk
HB 2820 by Rep. S. Jones
HB 2904 by Rep. S. Jones
HB 2905 by Rep. S. Jones
HB 2909 by Rep. S. Jones
HB 4139 by Rep S. Jones

Commerce passed three bills out on Tuesday during its full committee meeting.



Rep. Pruitt

HB 2753 (Pruitt) requires hospitals to administer hearing tests to all newborns before being discharged from the hospital. The amendment makes the bill. In addition to the hearing tests, the results will be shared with the Department of Health & the Department of Education to follow up. Insurance companies must provide coverage for these tests, and the cost will be subject to any co-pays and deductibles. An amendment to the

amendment was adopted that applied to hospitals that do not routinely handle deliveries. If there is an emergency delivery in one of these hospitals, the hospital must refer the parents to the Department of Health or an appropriate hearing screening provider.

[passed to Government Operations]

HB 2752 (Coleman) is referred to as the “Tennessee Condominium Act of 2008.” This legislation is a comprehensive update to the current laws on condominiums. The bill has four main parts: 1) general provisions & definitions, 2) creation, alteration, &



Rep. Hackworth

termination of condos, 3) management of condos, and 4) protection of purchasers. The amendment makes some clarifications and addresses the concerns of the many interested parties. *[passed to Calendar & Rules]*

HB 4097 (Hackworth) redefines “appraisal” and “appraisal

report.” The new definitions are more modern and consistent with how other states use them.

[passed to Calendar & Rules]

The following bills *were rolled*:

HB 3743 (McCormick) provides for limited licensure, under certain circumstances, of non-resident contractors that live in states that do not practice reciprocity with licensees of the Tennessee Board for Licensing Contractors. The Department of Commerce & Insurance is waiting on information requested from the state of Georgia.

[rolled for two weeks]

HB 2734 (Todd) comes from the recommendations of the summer study committee on fireworks. The local governments would determine whether or not to allow the sale of fireworks in their county, and they would submit a permit procedure to the state fire marshal’s office. There is an amendment to only allow the sale of fireworks during the times that the discharge of fireworks is permitted. The Fireworks Association committed to working with the legislature in revising the outdated and inconsistent fireworks statutes.

[rolled to last calendar]

HB 3611 (Turner L) changes the definition of trustee under the “Tennessee Prepaid Funeral Benefits Act” to include certified public accountants.

[rolled for one week]

HB 3150 (Turner L) is identical to HB 3611 in allowing CPAs to serve as trustees.

[taken off notice]

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday and passed three bills to the full committee.

HB 2483 (McDonald) as amended would require the local planning commissions to address the issue of cemeteries or graves on a property before a subdivision development would be approved. If there is no planning commission, then the county commission would have

such authority. The subcommittee heard testimony from Patrick Meguiar, Historian for the City of Portland, about protecting cemeteries and the need for more authority at the local level. Hope Jackson of the Home Builders Association said the industry would like to keep the current law.

[passed to full committee]

HB 4116 (Cobb C) revises various provisions governing persons in the mortgage industry. It requires educational training, criminal background checks, and participating in a multi-state automated licensing system. An amendment was adopted that makes a few technical changes.

[passed to full committee]

HB 4128 (Towns) changes the licensure renewal for several professions from every year to every two years. These professions include: home improvement contractors, collection service businesses, polygraph examiners, alarm system contractor employees, and trainers for private protective services.

[passed to full committee]

The following bills were rolled:



Chairman Curtiss

HB 3102 (Curtiss) modifies certain provisions regarding mechanic's and materialmen's liens.

[rolled for one week]

HB 2624 (Hardaway) makes trustees of cemetery companies personally liable, in addition to being jointly liable, if perpetual care trust funds are insufficient to fund such care. It also specifies that the purchaser of a burial plot has the right to record a copy of the

proof of ownership of a burial plot with the register of deeds. *[rolled for one week]* **HB 2606 (Hardaway)** requires funeral directors to disclose to purchasers that it is a violation of the law for the funeral home to refuse to surrender a dead body to someone legally entitled to it. A violation of this law would result in continuing education. *[rolled for one week]*

HB 3522 (Fitzhugh) requires municipally owned and rural cooperatively owned utilities' poles to allow pole

attachments by telecommunications service providers at reasonable rates. An amendment that rewrote the bill to simply allow dispute resolutions to be heard by the Tennessee Regulatory Authority failed. There was lengthy testimony from the TRA, the Tennessee Electric Cooperative Association, and the Tennessee Cable Telecommunications Association regarding the issues with pole attachments. *[taken off notice]*

Commissioner Greg Gonzales from the Department of Financial Institutions is scheduled to speak to the subcommittee on April 1st to address the title pledge bills. These bills will be heard by the subcommittee the following week.

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Wednesday and passed three bills to the full committee.

HB 4158 (Pitts) is referred to the "Tennessee Charitable Gift Annuity Act of 2008." It replaces the current law with more oversight by the Department of Commerce & Insurance. Charitable gift annuities must be approved by the Commissioner and the issuing charitable organization would provide an annual report to the Department. The amendment rewrites the bill.

[passed to full committee]

HB 2776 (Baird) as amended clarifies the type of permit needed by a local government to conduct a pyrotechnics display. The local government does not need an exhibitor license, but the local government must get a permit from the fire marshal, have a certified operator on site, show proof of liability insurance, and purchase the pyrotechnic materials from a licensed exhibitor or distributor.

[passed to full committee]

HB 3452 (Baird) allows fireworks operators to take the certification exam instead of the continuing education. The continuing education is currently offered in only one location in the state. An amendment was adopted which also allows the fire marshal to issue expedited permits for public displays at twice the fee for a regular permit.

[passed to full committee]

The following bills were rolled:

HB 4203 (Gilmore) allows the Commissioner of Commerce & Insurance to require insurance producers

to submit fingerprints. It also adds specific acts that are considered unfair trade practices.

[rolled two weeks]

HB 2763 (Fitzhugh) establishes a restitution fund for purchasers of pre-need funeral contracts. The seller can charge a fee, and a percentage of that fee will go into the restitution fund. The Department of Commerce & Insurance would determine the percentage.

[rolled one week]

HB 3303 (Vaughn) requires the penalties for early withdrawal to be on the application for an annuity life policy. Rep. Vaughn is going to present an amendment next week.

[rolled one week]

HB 3309 (Lynn) requires all CoverTN and CoverKids advertisements to indicate that they are taxpayer supported programs.

[rolled one week]



Rep. Campfield

**HB 3019
(Campfield)**

prohibits buildings from being treated as schools when the primary purpose of the building is not for educational activities. For instance, if a home-school group uses a room in a church, the church would not have to meet the same codes as a school.

[rolled one week]

**HB 2605
(Hardaway)**

establishes standards that a funeral home must follow when storing a dead human body that will not be embalmed.

[rolled one week]

HB 2607 (Hardaway) requires local law enforcement to begin an investigation within 12 hours of receiving a report of an alleged violation by a funeral director of abuse of a corpse or concerning the handling, custody, care, or transportation of dead human bodies.

[rolled one week]

HB 4206 (Yokley) revises Tennessee's long term care laws to be consistent with the current Long-Term Care Insurance Model Act of the National Association of Insurance Commissioners. It modernizes the existing law to qualify Tennessee for the Federal Long-Term Partnership Program. Two amendments were adopted to make some technical changes and to extend the continuing education deadline to 12 months from the effective date.

[rolled one week]

HB 4207 (Favors) is referred to as the "Tennessee Unfair Trade Practices and Unfair Claims Settlement Act of 2009." It adds in detail to the current list of acts that would be considered unfair or deceptive practices. The Department is working on an amendment.

[rolled three weeks]

HB 3779 (Sargent) prohibits health insurance carriers from requiring notice of a hospital admission within a period that is less than one business day if it would require notification on a weekend or federal holiday.

[rolled one week]

HB 4066 (Curtiss) makes changes to the health group cooperatives that can be established by small employers. It increases the number of eligible employees from 25 to 50. The cooperatives must be made up of at least 1,000 employees or at least 10 participating employers. The bill also establishes the powers and duties of the health group cooperative. Also, the Department must submit a report by January 1, 2011 on the effectiveness of the health group cooperatives to expanding the availability of health insurance to small employers.

[rolled one week]

HB 3477 (Curtiss) increases the inspection requirement for manufactured homes installed in the state from at least 5 percent to at least 10 percent.

[rolled two weeks]

HB 2528 (Turner M) calls for statutorily mandated smoke detectors installed after January 1st of next year to be photo-



Rep. Turner

electric (includes nursing homes, assisted-care living facilities, foster care dwellings, one-family or two-family rental units and residential buildings). An amendment would apply the legislation to all new construction and any renovations to an existing building. The detectors must be photo electric or a combination of photo electric and non-photo electric, except in the kitchen area which must have just photo electric detectors. John Andres with Kidde, a manufacturer of smoke detectors, testified in support of the combination detectors, but strongly cautioned against banning stand-alone ionization detectors. The committee also heard testimony from Harriette Wilson of Watertown, Tennessee whose husband John died in a fire. She blames the ionization smoke detector for going off after it was too late. Next week, the committee is expected to hear from Jay Fleming, a deputy chief with the Boston Fire Department and an outspoken critic of ionization detectors.
[rolled for one week]

HB 2666 (West) increases the distance that pre-blast surveys of residences must be conducted from 300 feet to one-half (1/2) mile. An amendment rewrites the bill increasing the standards for blasting and the monitoring of blasting operations.
[failed for lack of a motion]

conservation & environment

Jeremy Maxwell



Rep. McCord

The Conservation and Environment Committee met Wednesday to consider six bills.

The following bill was *referred to Calendar and Rules*:

HB 3080 (McCord) prohibits the taking of deer, bear, wild elk, or wild boar with any shotgun using ammunition loaded with more than one solid ball or rifled

slug, or with any rifle using rim-fire cartridges; removes buckshot exceptions.

The following bills were *deferred one week*:

HB 1921 (Rinks)
HB 3772 (McCord)
HB 4184 (McCord)
HB 4185 (McCord)

The following bill was *taken off notice*:

HB 1803 (Buck)

Environment Subcommittee

The Environment Subcommittee met Wednesday to consider eight bills on calendar and to hear a presentation.

The following bills were *referred to full committee*:

HB 3940 (Lynn), as amended, rewrites the bill. As amended, it states any public utility regulated by the Tennessee Regulatory Authority that provides proof of compliance with the bonding requirements to the appropriate water and wastewater treatment authority shall be deemed to satisfy the bonding requirements by this subdivision. The TRA requires public wastewater utilities under its jurisdiction to possess financial security

in the form of a corporate surety bond in order to provide service. The second amendment adopted exempts Williamson County out of the bill.

HB 3482 (Yokley), as amended, requires any water sample drawn to test the water quality of the Pigeon River at the time such river enters Tennessee from Haywood County, North Carolina to be drawn within ¼ mile of the border. Such samples would be taken at a time when any power plant located within one mile of the border is running at least one generator.

HB 4199 (Harmon) deletes the requirement that a certificate be issued by the Department of Environment and Conservation following the payment of Underground Storage Tank fees. The bill extends TDEC's supervision duties to include petroleum delivery, and it broadens the authority of TDEC's discretion for the use of the Tennessee Petroleum Underground Storage Tank Fund if such decisions result in a reduction in clean-up costs. It places a cap on clean-up costs of \$1,000,000 per site, per occurrence.

The following bills are *deferred one week*:

HB 3521 (Buck)
HB 3965 (Buck)
HB 3977 (Hackworth)
HB 3708 (Brooks, K)

The following bill was *taken off notice*:

HB 2511 (Mumpower)

The committee also heard from Dawn Coppock, member of the Lindquist Environmental Appalachian Fellowship (LEAF), regarding surface mining and HB 3348.

April 2nd will be Environment Subcommittee's last calendar.

Wildlife Subcommittee

The Wildlife Subcommittee did not meet this week.

Parks and Tourism Subcommittee

The Parks and Tourism Subcommittee did not meet this week.

consumer & employee affairs

Lucy Wilson

House Consumer & Employee Affairs Committee



Chairman McDonald

The full committee did not meet this week but will meet next week at its usual time, 3:00 PM on Tuesday, March 25, 2008 in HRR 29.

Employee Affairs Subcommittee

Chairman Hackworth put all the bills remaining in committee on notice. Of those 61 bills, five (5) bills were acted upon; 31 bills were taken off notice; and,

25 bills were rolled and will be on the calendar next week, March 25, 2008.

Bills passed to full Committee:

HB 4102 by Odom authorizes the release of certain confidential employment security information to contractors and agents of public employees provided certain safeguards are in place. The individual requesting the information must pay cost of disclosure.

HB 3400 by Cobb B is a workers' compensation bill that removes the requirement of sponsoring agencies to submit on an annual basis confirmation that participants comply with the requirements for qualifying as self insureds.

HB 3111 by Hood authorizes any individual, not just a government employee, to file a complaint with the Department of Labor and Workforce Development alleging that an employer is employing illegal aliens.

HB 1484 by Towns prevents reduction or termination of unemployment benefits due to claimant's enrollment in an institution of higher education.

Failed in Committee:

HB 3010 by Campfield would require that certain political activities by labor organizations be funded separately through voluntary donations of members and not through regularly collected. This bill failed due to lack of a second on the motion to hear the bill.

Taken Off Notice:

HB 0073 Turner M	HB 0074 Turner M
HB 0595 Turner M	HB 0613 Turner M
HB 0643 Turner M	HB 0655 Hawk
HB 0684 Fitzhugh	HB 1073 Turner M
HB 1138 Buck	HB 1563 Curtiss
HB 1568 Curtiss	HB 1569 Curtiss
HB 1576 Kelsey	HB 1584 Fitzhugh
HB 1603 Overbey	HB 1642 Mumpower
HB 1644 Mumpower	HB 1646 Mumpower
HB 1905 Rinks	HB 2129 Fitzhugh
HB 2322 Odom	HB 2490 Fincher
HB 2494 Fincher	HB 2542 Borchert
HB 2566 Mumpower	HB 2594 Turner M
HB 2988 Brooks H	HB 3475 Mumpower
HB 3676 Turner M	HB 3801 Curtiss
HB 3843 Turner M	

Rolled One Week:

HB 3848 Mumpower	HB 3706 Brooks K
HB 3170 Buck	HB 3699 Cobb C
HB 2571 Curtiss	HB 4160 Ferguson
HB 3710 Fitzhugh	HB 3711 Fitzhugh
HB 3814 Fitzhugh	HB 3096 Hill
HB 3929 Hood	HB 3358 Hood
HB 0727 Hood	HB 4175 Litz
HB 3807 Lollar	HB 2992 Overbey
HB 3436 Rinks	HB 3783 Hackworth
HB 4140 McDonald	HB 3263 Moore
HJR 765 Turner M	HB 3712 Fitzhugh
HB 1301 West	HB 1330 Briley
HB 3892 Rowland	

Please Note: Employee Affairs Subcommittee will meet from 1:00 PM to 3:00 PM, one hour earlier than routinely scheduled to complete the final calendar. Subject to the call of the Chair, the committee will close after the meeting on March 25, 2008.

Consumer Affairs Subcommittee

Of the 31 bills on the calendar, 21 were taken off notice and ten were acted upon.

Passed to Full Committee:

HB 2852 by Maddox would require persons who manufacture toys in this state where any part of production occurs in China to disclose safety testing methods to the Department of Commerce and Insurance. It would also create a violation of the Consumer Protection Act if a person sells a toy or child care article in this state that contains toxic substance.

HB 3180 by DeBerry J makes it an unfair or deceptive act under the Tennessee Consumer Protection Act of 1977 to fail to honor the full value of a warranty on goods or household appliances. A violation is punishable through civil penalties, private rights of action and as a Class B misdemeanor.

HB 3407 Matlock permits the buyer of a health club agreement to have one week after entering into the agreement to cancel the agreement. Violations are punishable through civil penalties, private rights of action and as a Class B misdemeanor.

HB 3647 by Turner M enacts the Child Product Safety Act. The Division of Consumer Affairs in the Department of Commerce and Insurance would be required to maintain a comprehensive list of children's products that have been identified as unsafe. A violation would be considered an unfair or deceptive act under the Tennessee Consumer Protection Act of 1977 and violators would be subject to injunctive relief and civil penalties. The Department of Human Services would be required to make the list of unsafe children's products available to child care agencies on the department's web site. Additionally the department would prepare a certification form and require each facility to complete the certification process during licensing or license renewal. The sponsor will request Department representatives attend and answer questions.

HB 3834 by Johnson P makes it an unfair or deceptive act under the Tennessee Consumer Protection Act of 1977 to misrepresent the geographic location of a person by listing a fictitious business name or an assumed business name in a local telephone directory. Violations are punishable through civil penalties, private rights of action and as a Class B misdemeanor. The applicable civil penalty would be a minimum of \$5,000 and a maximum of \$25,000 per violation, instead of a maximum

of \$1,000 per violation as provided by the Consumer Protection Act.

HB 3860 by Odom prohibits fees for imposing or removing a credit freeze on a consumer when the consumer has been a victim of a breach of an information holder's security system.

HB 4023 by Niceley prohibits the diminution in value of gift cards and gift certificates.

HB 4044 by Towns makes it an unfair or deceptive act under the Tennessee Consumer Protection Act of 1977 to operate a private parking service and use a device to immobilize a vehicle for unauthorized parking, while charging a fee for such device's removal and refusing to allow choice of payment options. In addition to refusing to allow a choice of payment options, an amendment the sponsor will bring to full committee will include failing to post conspicuous signage about the use of a boot and charging a fee that is more than twice the usual fee for removal of such device as violations. Violations are punishable through civil penalties, private rights of action and as a Class B misdemeanor.

HB 4153 by Ferguson requires health clubs to post a \$25,000 bond with the Department of Commerce and Insurance. The bond may be made through a deposit of cash, a certificate of deposit, securities, or with a bond issued by a corporate surety. The bond must be maintained for two years following the date on which the health club ceases to conduct business in this state. In an action brought by the attorney general for a violation of the Tennessee Consumer Protection Act, the attorney general may request that the total amount of the bond posted by the health club be awarded to the state for consumer restitution. A verbal amendment that follows the bill to the full committee will correct an error in the directory language.

HB 4202 by Odom exempts boilers under federal control or boilers used to generate electricity under contract with the Tennessee Valley Authority from regulation by the Board of Boiler Rules. Additionally, the bill requires the Technical Secretary of the Air Pollution Control Board to establish an expedited review process for permits for combined heat and power plants or a recoverable waste energy plant.

Taken Off Notice:

HB 0024 Shepard
HB 0084 Sontany
HB 0381 Briley
HB 0691 Fitzhugh

HB 0055 Turner M
HB 0367 Rowland
HB 0561 Todd
HB 0818 McCord

HB 1064 Maggart	HB 1179 Jones S
HB 1840 Odom	HB 2148 Curtiss
HB 2190 Kernell	HB 3082 Harwell
HB 3412 Lynn	HB 3897 Niceley
HB 3986 Sargent	HB 4045 Towns
HB 4051 Towns	HB 4094 Pinion
HB 4143 Ferguson	

The Consumer Affairs Subcommittee completed its business and is closed subject to the call of the Chair.

The House Education Committee met on Wednesday. The committee heard a presentation from Dr. Pat Levitt, Neuroscientist, Vanderbilt Brain Research and Human Development. Action on the committee calendar follows.

Referred to Calendar & Rules:

HB 3612 – (Maddox) the state board of education is to adopt a fund distribution formula for distributing funds outside the BEP for technology, internet, internet connectivity, and e-learning. Half of all funds are to go for internet connectivity.

HB 2610 – (Hardaway) LEAs are prohibited from taking adverse job actions against teachers who refuse to participate in or remain silent about illegal activities. Teachers who are discriminated against but not fired as a result of their action may sue the LEA.

HJR 825 – (Winningham) designates Tuesday, May 6, 2008, as “National Teacher Day” in Tennessee.

SJR 638 – (Kurita) designates November 19, 2008, as “Civics Education Day” in Tennessee.

HB 2891 – (Brooks, H.) allows students 14 years of age or older to be enrolled in a cooperative career and technical training program. The commissioner of education is to monitor such programs and direct LEAs and public charter schools to report periodically as to their operation and effectiveness.



Rep. Maddox

Referred to Calendar & Rules, if amended:

HB 3285 – (Maddox) as amended, rewrites the bill in regard to students entering an approved teacher training program. The student shall supply a fingerprint sample and submit to a criminal records check done by the TBI or FBI, and agree that results

may be sent to the institution the student attends. A criminal record would result in automatic revocation of a teacher’s license. The student is to pay any reasonable costs for the service. This information may be submitted to other teacher training programs by the student.

HB 3322 – (Brown) as amended, rewrites the bill that art supplies in K-6 shall be certified non-toxic. The commissioner of education may request that the commissioner of agriculture examine LEA art supplies for unsafe lead levels. The commissioner of education shall make available a list of certified non-toxic art supplies and inform school districts of these requirements. The department of education’s web site shall post resources regarding the safe use of art supplies.

Referred to Finance, Ways & Means:

HB 4048 – (Towns) for anyone not possessing a high school diploma or certificate of graduation, changes the age from 18 to 21 to obtain a driver’s license or driver’s permit.

HB 3321 – (Brown) requires that LEAs file a justification report within 15 days of suspending, expelling, or referring a student to juvenile court. A monthly report is due to the department of education. The department of education is to report annually to the General Assembly of these actions.

SJR 594 – (Woodson) directs the select oversight committee on education to hold hearings on legislatively required background checks and conditions of employment in Tennessee public schools.

HJR 928 – (Winningham) directs the select oversight committee on education to address the Tennessee value-added assessment system as an evaluation tool.

Referred to Finance, Ways & Means, if amended:

HB 2440 – (Kelsey) as amended, directs the department of education to establish an Education Pays pilot program to give monetary reward for



Rep. Kelsey

academic achievement. The program is to be in the four (4) systems having the largest number of students eligible for free or reduced lunch. At the end of each semester a student who receives an Education Pays award is to be given \$100. The custodial parent or guardian of the student is to receive \$50.00.

Deferred 1 week:

HB 2973 – (Winningham)

HB 4096 – (Winningham)

HB 3418 – (Shaw)

HB 3319 – (Brown)

HB 3964 – (Curtiss)

Deferred 2 weeks:

HB 4003 – (Jones, U.)

HB 3685 – (Brooks, H.)

HB 3278 – (Maddox)

HB 3458 – (Litz)

HB 4088 – (Maddox)

Deferred 3 weeks:

HB 3251 – (Coley)

Deferred to Last Calendar:

HB 2524 – (Turner, M.)

Higher Ed Subcommittee

Wednesday the Higher Ed Subcommittee met and took the following actions on its calendar.

Referred to Full Committee:

HB 4179 – (Maddox) creates the Tennessee Back to Class Act of 2008.



Rep. Rinks

Referred to Full Committee, if amended:

HB 3915 – (Rinks)

as amended, requires public and private institutions of higher education to adopt and implement a policy regarding infringement of copyrighted works over the school's network. A report on the policy to the Tennessee Higher Education

Commission is required by April 1, 2009.

Deferred 1 week:

HB 2989 – (Bone)

HB 4016 – (Armstrong)

Taken off Notice:

HB 3318 – (Brown)

K-12 Subcommittee

The K-12 Subcommittee met on Tuesday and took the following actions on its calendar.

Referred to Full Committee, if amended:

HB 4042 – (Mumpower) as amended, requires the human resource agencies to apply for three-year step down grants to expand the Moral Combat program to additional areas of the state.

HB 2471 – (Jones, S.) as amended, enacts the special education isolation and restraint modernization and positive behavioral supports act.

Deferred 1 week:

HB 3268 – (Maddox)

HB 2859 – (Winningham)

HB 3076 – (McCord)

HB 3703 – (Brooks, K.)

HB 3739 – (Winningham)

HB 4089 – (Maddox)

Deferred 2 weeks:

HB 2770 – (Hood)

HB 3125 – (Montgomery)

HB 3740 – (Winningham)

Deferred to Last Calendar:

HB 1050 – (Rowland)

HB 2651 – (Hackworth)

Referred to Select Oversight Committee on Education for study:

HB 2927 – (Kelsey)

Taken off Notice:

HB 3737 – (Shepard)

HB 3247 – (Montgomery)

HB 2372 – (Mumpower)

HB 3982 – (Matheny)

Special Initiatives Subcommittee

Special Initiatives Subcommittee took the following actions on its calendar Wednesday.

Referred to Full Committee:

HB 3780 – (Winningham) makes changes in the membership of education oversight.

HB 3057 – (Winningham) requires teachers convicted of any state or federal felony forfeit their public retirement benefits. The bill applies to teachers who become a member of TCRS after July 1, 2008.

HB 3745 – (Harrison) authorizes revision of election cycles for municipal boards of education.

HB 3158 – (Harrison) sets up requirements for local boards to submit to the commissioner of education a compliance plan regarding school nutrition requirements.

Deferred 1 week:

HB 4169 – (Gilmore)

Deferred 2 weeks:

HB 3313 – (Brown)

Failed:

HB 2795 – (Hardaway)

finance, ways & means

Julie Travis & Patrick Boggs

Week of March 17th, 2008:

On Tuesday, March 18th, the full Finance Committee met and considered twenty-eight bills, and the actions are as follows:

Bills Referred to Calendar & Rules:

HB 3408 (Matlock) – This bill authorizes Monroe and Loudon Counties to levy privilege taxes on the filing of legislation within their respective counties.

HB 3999 (McDonald) – This bill names a segment of U.S. 31E in Sumner County the “Johnny Hayes Highway.” The signage shall only be erected if non-state funds shall be received from Sumner County.

HB 2433 (McDonald) – This bill, known as the scrap metal bill, would require scrap metal dealers to register with the Department of Commerce and Insurance. It establishes requirements for the purchase of scrap metal by dealers from individuals. Further, the bill spells out penalties for violations of the provisions of this legislation.



Rep. Tindell

public automobile auctioneers within the Tennessee Auctioneers Commission and the Tennessee Motor Vehicle Commission. The committee amended this bill to clarify its language.

HB 3455 (Tindell) – This bill authorizes public utilities to create public building authorities for the purpose of utility infrastructure, improvements, facilities, and buildings which are necessary to the utility’s operations and providing services to customers.

HB 3626 (Tindell) – This bill creates a licensing class for

HJR 199 (DuBois) - This bill names a segment of S.R. 243 in Maury County the “Dr. John O. Williams Memorial Highway.” The subcommittee amended this bill to specify that the Maury County Government will reimburse the department for the signage.

HB 3031 (Hawk) – This bill modifies the garnishment form for garnishing wages with respect to the recent increase in the minimum wage. If the minimum wage is increased again, the forms will not have to be revised, as the forms will automatically accommodate the change.

HB 2889 (Hensley) – This bill names a bridge on S.R. 99 in Lewis County the “Fred Couch Memorial Bridge.” Lewis County must reimburse the department for the signage.

HB 2890 (Hensley) – This bill names a section of highway on S.R. 99 in Lewis County the “Luther M. and Marvin Patton Memorial Highway.” The Lewis County government must reimburse the department for the erection of the signage.

HB 3832 (P. Johnson) – This bill names a bridge of S.R. 100 in

Williamson County as the “Lance Corporal Richard A. Buerstetta Memorial Bridge.” The signs will be paid for out of the highway fund as this individual was killed in the line of duty in Iraq.

HB 3505 (U. Jones) – This bill, known as the local government OPEB bill, authorizes the investment committees of local governments to require such assets to be invested in accordance with the investment policy used for public pension asset investments. It further stipulates that such policy must conform to the Tennessee Uniform Prudent Investor Act of 2002.



Rep. Hensley

HB 3067 (McCord) – This bill requires the Blount County election commission to place a liquor-by-the-drink referendum for wine only for the municipality of Townsend on the November 2008 general election ballot. Townsend must pay for all costs of the special election.

HB 2456 (McDaniel) – This bill authorizes Wayne County to use its litigation privilege tax for the purposes of funding equipment and personnel costs of the sheriff's department in addition to the already authorized purposes of funding construction or renovation costs for the county jail, workhouse, or courthouse, or the payment of bonds used for such purposes.

HB 3279 (Miller) – This bill authorizes paramedics that are employed by a municipality within one county to train at another municipality's paramedic training facilities upon completion of a written interlocal agreement between such municipalities.



Rep. Montgomery

within the Department of Commerce and Insurance, and had purchased a permit from their county clerk to operate these devices. Such devices will be subject to inspection and must obtain an annual permit.

HB 3450 (Rinks) – This bill names a bridge on U.S. 64 in Hardin County the "James (Wesley) Franks Memorial Bridge." The committee amended the bill to specify that Hardin County must absorb the costs of the bridge signage and reimburse the department.

HB 3701 (Shaw) – This bill names a bridge on S.R. 125 in Hardeman County the "Gunnery Sgt. Terry J. Elliot Memorial Bridge." Sgt. Elliot died in Iraq and such signage will be paid out of the highway fund.

HB 3124 (Montgomery) – This bill renames the Elevator Safety Board within the Department of Labor and Workforce Development the Elevator and Amusement Device Board and expands this board to recruit members with such experience to oversee and regulate amusement devices. Previously, oversight of these devices had been administratively

HB 3672 (Shepard) – This bill requires members of the Massage Licensure Board to have five years of massage experience and authorizes the Board to charge an application fee for continuing education courses submitted for approval.

HB 3659 (Williams) – This bill expresses the intent of the General Assembly to name a bridge on S.R. 840 in memory of Staff Sgt. Stephen R. Maddies. Staff Sgt. Maddies died in the line of duty, and such signage would be paid out of the highway fund when such signage is erected.

HB 3784 (Bone) – This bill names a section of S.R. 266 in Wilson County the "Arlie and Charlie Pass Highway." An amendment was adopted by the subcommittee that specifies that the non-state funds that pay for the signage must come from the Wilson County government, or that Wilson County may manufacture and erect the signs, if such signage is approved by the department and in accordance with state and federal signage regulations.

HB 348 (Buck) – This bill requires the minimum energy conservation standards for any new residential building construction after January 1, 2008 to be up to 2003 International Energy Conservation Codes. The committee adopted an amendment to allow localities to adopt a tougher standard on the wood sheathing used in the construction of homes. The committee also further amended the bill to add commercial construction in addition to residential construction that the law recommends voluntary compliance with does not require to be held to a higher energy efficiency standard.

HB 3681 (Lundberg) – This bill, as amended by the subcommittee, allows Sullivan County's ambulances to have the same color scheme as their fire department.

HB 2870 (Moore) – This bill exempts Shelby and Davidson counties from the provisions of the Uniform Administrative Procedures Act regarding contested case hearings that come in front of county or municipal benefit boards.

Deferred for One Week:

HB 3673 (Bass) w/ Budget Sub Amdt. #1

HB 3674 (Bass) w/ Budget Sub Amdt. #1

HB 3675 (Bass) w/ Budget Sub Amdt. #1

HB 2775 (H. Brooks)

HB 3433 (H. Brooks) w/ Budget Sub Amdt. #1

Budget Subcommittee

The Budget Subcommittee met on Wednesday, March 19th, 2008, and considered forty-six bills. The results of those actions are as follows:

Bills Referred to the Full Committee:

HB 3861 (Tindell) – This bill requires any fines levied by the Alcoholic Beverage Commission to be deposited in the general fund. Thus, the ABC would be funded out of the general fund instead of its own revenues.

HB 3863 (Tindell) – This bill establishes a county revenue partnership fund within the general fund, for which the legislature, if it so desires, can use to appropriate funds to be distributed to counties.

HJR 736 (Shepard) – This bill names a section of S.R. 230 in Hickman County the “Trooper Jamie Hassell Barnett Memorial Highway.” Hickman County will reimburse the department for the erection of the signs.

HB 2729 (Favors) – This bill authorizes assisted living care facility residents to receive hospice care at their assisted living facility.

HB 2665 (West) – This bill names a pedestrian bridge on a greenway inside Davidson County that spans U.S. 70 the “Bob Sheehan Memorial Bridge.” The subcommittee amended the bill to require Davidson County to pay the costs of the signage.

HJR 936 (Rinks) – This resolution expresses support of the AARP in its “Divided We Fail” initiative.



Rep. Hill

HB 4156

(Richardson) – This legislation reduces the gross receipts tax on Intermediate Care Facilities for the Mentally Retarded (ICFMR) from six percent (6%) to five and a half percent (5.5%).

HB 3617

(Maddox) – This bill redefines home medical equipment services to include equipment that is

delivered to a predetermined location for the consumer or consumer’s representative to pick up.

HB 3092 (Hill) – This bill names a bridge on S.R. 353 in Washington County the “Richard ‘Rick’ L. Edens, Sr. Memorial Bridge.”

HB 3731 (Fitzhugh) – This legislation increases the amount, collected per capita, that counties pay the Comptroller of the Treasury for audits of the county finances.

HB 2792 (Dean) – This bill names a segment of I-24 in Chattanooga the “Officer Julie Jacks Memorial Highway.” The signage will be paid for out of the highway fund as Ofc. Jacks was killed in the line of duty while attempting to apprehend a suspect.

HB 3201 (Coleman) – This bill ties the compensation of child support referees to the annual cost of living adjustments given to state employees in the state appropriations budget. Funding for this legislation is included in the Governor’s recommended budget.

HJR 961 (Borchert) – This resolution urges Congress to investigate the possible manipulation of gas prices and price gouging by oil companies.

Bills Rolled One Week:

HB 3453 (Tindell)
HB 2835 (Shepard)
HB 3837 (Shaw)
HB 1957 (Armstrong)
HB 2804 (Sontany)
HB 2343 (Moore)
HB 1256 (Moore)

Bills Rolled Two Weeks:

HB 3638 (Coleman)
HB 2801 (Buck)

Bills Rolled to the Last Calendar:

HB 3862 (Tindell)

Bills Rolled to the Calendar on Election Issues:

HB 17 (Shepard)

Bills Rolled to the Study Committee Subcommittee:

HB 3511 (U. Jones)

Bills Rolled to Future General Assemblies:

HB 3020 (Campfield) – rolled to 2020
HB 3021 (Campfield) – rolled to 2025
HB 3023 (Campfield) – rolled to 2030

Bills Placed Behind the Budget:

HB 1283 (Todd)
HB 3970 (Armstrong)
HB 3351 (Windle)
HB 3776 (Windle)
HB 3833 (Vaughn)
HB 2839 (Sargent)
HB 2978 (Sargent)
HB 3823 (Maddox)
HB 4083 (Maddox)
HB 4086 (Maddox)
HB 3456 (Litz)
HB 659 (Hill)
HB 3093 (Hill)
HB 2426 (Hardaway)
HB 3332 (Brown)

Bills taken Off-Notice:

HB 132 (Bell)
HB 904 (Hill)
HB 4190 (Hardaway)

government operations

Kristina Ryan

The House Government Operations Committee met on Wednesday morning to deliberate its calendar. Of the twelve bills up for consideration, nine bills were in committee for review and referral purposes for other standing committees and the remaining three bills were sunset bills.

The following bills were rolled for one week:

HB 4041 by Rep. Moore

HB 2118 by Rep. Tidwell

HB 2976 by Rep. Winningham

The committee reviewed and referred **HB 2794 by Representative Harwell**. Originating in the Transportation Committee, this legislation allows hybrid electric and alternative fuel motor vehicles to be driven in HOV lanes. The Commissioners of Transportation and Revenue would be delegated rulemaking authority in order to enforce the provisions of this bill.

HB 661 by Representative Hill was reviewed and referred to the Education Committee. This legislation would authorize any city or county to re-establish the office of county school superintendent by popular vote.

After successful passage in the Agriculture Committee, **HB 1168 by Representative Sontany** was reviewed and referred to the Finance, Ways and Means Committee. The bill, as amended, would permit the capture of companion animals by using a sedative drug without a veterinarian being present. The Board of Veterinary Medical Examiners is authorized to promulgate rules in order to implement this legislation.

HB 2803 by Representative Sontany was reviewed and referred to the Finance, Ways and Means Committee. Originating in the Judiciary Committee, the “Tennessee Animal Abuser Registration, Tracking and Verification Act of 2008” would create a registry containing the names of persons who are convicted of animal fighting, bestiality, or aggravated animal cruelty. Offenders of these crimes would be required to register with this registry. The TBI would maintain this registry. An amendment placed on the bill in committee would designate the TBI rulemaking authority in order to implement this registry.

HB 3100 by Representative Curtiss was reviewed and referred to the Finance, Ways and Means

Committee. This legislation provides a tax credit to small businesses that provide health benefits to their employees. The Department of Revenue is responsible for promulgating rules and regulations.

The committee reviewed and referred **HB 2564 by Representative Fincher** to the Calendar and Rules Committee. Originating in the Health and Human Resources Committee, this bill increases the penalty for tattooing a minor from a Class C to a Class A misdemeanor. In addition, this legislation requires a parent or guardian to present proof of guardianship prior to a minor receiving a tattoo to cover up an existing tattoo or a minor receiving a body piercing. The Department of Health is delegated rulemaking authority in order to enforce the provisions of this legislation.

Sunset Bills sent to Calendar and Rules:

HB 2698 by Kernell – Board of Probation and Parole – re-authorized until June 30, 2013.

HB 3232 by Kernell – Tennessee Corrections Institute, Board of Control – re-authorized until June 30, 2014.

HB 3581 by Kernell – State Board of Accountancy – re-authorized until June 30, 2010.



Chairman Armstrong

The **Health & Human Resources Committee** met Tuesday morning, March 18, 2008, to consider 10 bills and one House joint resolution.

Chairman Armstrong announced there will be a joint meeting of the Public Health & Family Assistance and Health Care Facilities Subcommittees for purposes of considering a long-

term care bills calendar. A date and time certain for this joint meeting has not been set.

HB 3757 (Kelsey) that authorizes covenants not to compete for radiologists was referred to C&R. **HB 3264 (Moore)** as amended that revises criminal background check requirements for anyone who is employed by or volunteers with a child care agency, or who is 15 years of age or older and resides in a child care agency was discussed at length and ultimately rolled at the request of the committee. Chairman Armstrong requested the Department of Human Services testify on HB 3264 next week. The amendment adopted on HB 3264 corrects a typographical error in the bill as introduced. **HB 2063 (Maddox)** as amended that creates a 17-member study committee to study the creation of a Department of Aging and Adult Services was referred to FW&M. The amendment as amended changes the study committee's reporting date from December 15, 2007, to December 15, 2008. Chairman Armstrong rolled **HB 2945 (Lynn)** one week. **HJR 0898 (Overbey)** that designates May 19, 2008, as *Phelan-McDermid Syndrome Day* and July 21 – 27, 2008, as *Phelan-McDermid Syndrome Week* was referred to C&R. **HB 3633 (Favors)** as amended that defines *Level II office-based surgery* and establishes requirements for physicians that perform Level II office-based surgery through the Board of Medical Examiners and Board of Osteopathic Examiners was referred to FW&M. At the request of Rep. Crider,

the effective date for the amendment was changed from "upon becoming law" to October 1, 2008.

HB 2677 (Turner, M.) as amended that requires the Department of Health, after ordering a suspension of admissions to a nursing home, to provide notice of such suspension to legislators in whose district the nursing home is located and requires the

Department to utilize the exit conference to advise the nursing home of violations that may result in civil monetary penalties or suspension of admissions, and further, notify legislators in whose district the nursing home is located of such violations was referred to C&R.

HB 3197 (Jones, S.) that requires the Department of Health to phase in evidence-based programs related to in-home visitation programs that are intended to improve birth outcomes, health, and development of children, from conception to age two, of low-income mothers and requires any departmental contracts for such services to include a provision affirming that the services are evidence-based except for services that are part of a pilot program was referred to Government Operations.

HB 4122 (Odom) that authorizes TennCare employees who are engaged in analyzing controlled substances prescription information to have access to the controlled substance database was referred to C&R. **HB 4204 (Richardson, Odom)** that expands the situations in which a person can administer medications without being licensed as a nurse to include persons providing personal support services to clients living in their own home or private residence pursuant to a contract or agreement under any Medicaid waiver or other program of the Division of Mental Retardation Services was referred to C&R. The committee heard testimony from the Division of Mental Retardation Services to clarify that the persons providing personal support services have received 40 hours of training, are not licensed, will not



Rep. Favors

administer injectable medications, and will only assist clients with taking oral medications.

Professional Occupations Subcommittee

The **Professional Occupations Subcommittee** met immediately following adjournment of the full committee on March 18th to consider 11 bills; referring three to full committee. **HB 3677 (Litz)** as amended authorizes a nurse anesthetist who graduated prior to January 1, 1999, from a nurse anesthesia educational program approved by the American Association of Nurse Anesthetists Council on Accreditation to be eligible for a certificate to practice as an advanced practice nurse. **HB 4011 (Armstrong)** as amended defines *telepharmacy in federally qualified health centers*; authorizes a federally qualified health center (FQHC) pharmacy technician to issue prescription drugs that have been filled by a FQHC pharmacist without the on-site supervision of an on-duty pharmacist and permits the pharmacy technician to function under the supervision of the FQHC pharmacist by means of telepharmacy with at least one monthly on-site visit to review inventory controls, accountability, security, storage, and issuance; authorizes a FQHC pharmacy technician to issue prescription drugs to a patient of the FQHC and offer counseling by a pharmacist by means of telepharmacy; requires by July 1, 2008, the Department of Health and Board of Pharmacy identify one FQHC for a pilot program in the eastern grand division of the state to implement telepharmacy at no more than two sites; authorizes the FQHC pilot program sites to issue prescription drugs exclusively to uninsured or underinsured income-eligible patients whose prescription is not covered by third party reimbursement; requires a report from the pilot program to the Board of Pharmacy and health committees of the General Assembly by February 1, 2010; and, authorizes the Board of Pharmacy to expand the project if the pilot is deemed successful. **HB 3802 (Pitts)** as amended renames the Board of Social Worker Certification and Licensure to be the Board of Social Worker Licensure, increases the membership of the Board from seven to 11 members, and rewrites existing statute governing social worker licensure.

In other action, **HB 0163 (DuBois)** was rolled one week at the request of the sponsor. **Chairman Armstrong** rolled **HB 4012** one week. **HB 3629 (Fincher)** was taken off notice at the request of the sponsor. **HB 3985 (Windle)** was rolled one week. **HB 2754 (Pruitt)** was rolled one week at the request of the sponsor. **HB 3298 (Vaughn)** concerning labeling of prescription drugs for persons 60 years of age or

older was discussed at length and then rolled one week at the request of the subcommittee for further consideration of the amendment offered by the sponsor. **Rep. Shepard** rolled **HB 4200** one week for drafting of amendatory language. **HB 3110 (Hood)** was rolled one week at the request of the sponsor.

Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Wednesday, March 19, 2008, to consider 10 bills, referring five to full committee. **HB 2572 (Turner, M.)** as amended prohibits the Department of Health from assigning an individual to a nursing home inspection team if the individual works or previously worked at the facility to be inspected, however, the Commissioner has discretion to grant exceptions to the provisions of the legislation if necessary for the immediate protection of the nursing home residents. **HB 3378 (Odom)** requires the Department of Health to provide a 30-day period for further fact finding relative to violations and corrective actions before suspension or revocation of a nursing home license or the loss of federal funds. **HB 3865 (Overbey)** as amended expands the program components of the Perinatal Advisory Committee to include development of standards for dissemination of educational material about conditions which commonly affect newborns, such as respiratory syncytial virus (RSV). **HB 3901 (Coleman)** provides



Rep. Vaughn



Rep. Odom

that an original nursing home is not required to maintain its license after a certificate of need has been approved for the replacement facility. **HB 4104 (Pruitt, Odom)** authorizes a health care facility licensee to renew its license within 60 days of the license expiration date by paying the renewal fee in addition to a late penalty.

In other action, **Chairman Overbey** took **HB 1886**, **HB 2678**, and **HB 3492** off notice and rolled **HB 2991** one week. **HB 3311 (Maggart)** was rolled one week for drafting of amendatory language.

Public Health & Family Assistance Subcommittee

The **Public Health & Family Assistance Subcommittee** met Wednesday afternoon, March 19th to consider 12 bills, referring three to full committee. **HB 1633 (Tindell)** as amended establishes a state diabetes coordinator position within the Department of Health. **HB 3382 (DeBerry, J.)** as amended expands provisions of existing statute related to release of information by mental health service recipients to include outpatient treatment and ongoing treatment with a community mental health care provider. **HB 2569 (Curtiss)** requires the Division of Mental Retardation Services (DMRS) to serve 560 additional persons in the Family Support Program and 100 additional persons with developmental disabilities other than mental retardation in the Personal Supports Program during FY 08-09 and requires DMRS establish an ongoing planning process to guide the development and evaluation of home- and community-based services for people with developmental disabilities other than mental retardation.

In other action, **HB 1444 (Rowland)** concerning food handlers was discussed, and the sponsor offered an amendment that rewrites the bill to require proof of current immunization status instead of a “health certificate” as required in the printed bill. After testimony from the Department of Health, the bill was rolled one week for further review by the Department and consideration of additional amendatory language.

HB 2784 (Cooper) was taken off notice at the request of the sponsor. **HB 2964 (Hardaway)** concerning paternity testing was discussed at length and ultimately rolled one week after the sponsor’s amendment failed for lack of a motion. **HB 3621 (Matheny)** was rolled to the last calendar at the request of the sponsor. **Rep. Tindell** took **HB 2276** off notice. **HB 4174 (Turner, M.)** was taken off notice at the request of the sponsor. **Rep. McDonald** discussed **HB 2481** concerning random drug testing of child care employees and then rolled the bill one week for drafting of an amendment to address a constitutional issue with the bill as introduced.

HBs 3758 and 3759 (Maggart) were rolled one week at the request of the sponsor.



Chairman Coleman

The Full Judiciary Committee met to consider fourteen bills.

The following is a list of bills approved for passage to Calendar & Rules:

HB 2954 by Rep. Lynn requires a person to be a United States citizen or legal permanent resident in order to be a notary public.

HB 3866 by Rep. Overbey, as amended, authorizes a court to order upon the termination of a derivative action the following: the corporation to pay the plaintiff's reasonable expenses, including attorney's fees if the court finds that the proceeding has resulted in a substantial benefit to the corporation; the plaintiff to pay defendant's reasonable expenses if it is found the proceeding was commenced or maintained without reasonable cause; or a party to pay an opposing party's reasonable expenses incurred because of the filing of the pleading or other paper if the court finds it was not well grounded in fact after reasonable inquiry or existing law and was interposed for an improper purpose.

HB 3962 by Rep. Curtiss, as amended, makes it a violation of the Tennessee Consumer Protection Act for a person engaging in the business of locating heirs in the State of Tennessee to: fail to disburse all funds to an heir within five (5) days of receiving funds from the personal representative, court, or payee; fail to maintain a separate trust account for the funds from the estate; accept a contribution or fee exceeding the lesser of ten percent (10%) of the heir's interest in the estate or one thousand dollars (\$1,000); or fail to disclose the name of the decedent, the court which the probate proceeding is pending, and if known, the name and contact info for the personal representative or legal counsel prior to accepting an assignment of all or any portion of the interest of the heir in the estate. Also, the bill list persons that will not be considered unknown heir

locators such as an attorney-at-law in this state, any person acting pursuant to a court order or judgment, agent of the personal representative, or the personal representative of the estate. Also, in the event an affidavit is filed by the personal representative stating one or more legatees or distributees can't be located, a person or entity may file notice with the clerk's office providing the name, current mailing address and actual physical address of those who can't be identified or located. The person or entity filing the notice is entitled to a reasonable fee set by the court. Any assignment of interest in the estate shall be invalid unless the assignment is executed after the sixty days period stated in the code and the assignment reflects the actual value of the consideration paid or delivered by the assignee to the legatee or distributee for that interest.

HB 3963 by Rep. Curtiss authorizes advance practice nurses licensed under Title 63, Chapt. 7, Part 126, and physicians licensed under title 63, except radiologists, pathologists and anesthesiologists to have a right to be members or holders of financial rights of the same professional limited liability company.

HB 2920 by Rep. Maggart includes aggravated rape of a child to the list of acts constituting a violent sexual offense for the purpose of the sex offender registry.

List of bills approved for passage to the Finance Committee:

HB 261 by Rep. Bibb increases the penalty for assault from a Class A misdemeanor to a Class E felony. The bill authorizes a magistrate to issue an arrest warrant for a second or subsequent assault where the victim is a healthcare employee or professional.

HB 3515 by Rep. U. Jones requires



Rep. Bibb

the department of finance and administration, office of criminal justice programs, to provide annual operating funds of not less than two hundred and fifty thousand dollars (\$250,000) for any drug court within the state that has an average active outpatient participation of two hundred and fifty (250) clients.

HB 412 by Rep. Todd increases minimum fines and imprisonment periods for first and subsequent non-technical violations of the Tennessee Sexual Offender and Violent Offender Registry. Non-technical violations include, but are not limited to the following: failure to timely register; falsifying TBI registration form; failure to timely disclose information to law enforcement; failure to sign a TBI registration form; failure to pay annual administrative costs if able; failure to disclose status as a sexual offender to law enforcement upon reincarceration; failure to report move to another state; failure to report return to the state after deportation.

HB 2586 by Rep. H. Brooks, as amended, expands the offense of false reporting of child sexual abuse to include a false accusation that a child has sustained any wound, injury, disability, or physical or mental condition

caused by brutality, abuse or neglect. This offense is a Class E felony.



Rep. Bass

HB 4106 by Rep. Bass, as amended, creates a Class E felony offense for a probation and parole officer to engage in consensual or nonconsensual sexual contact or sexual penetration with a probationer or parolee who is under the supervision of the board of probation and parole.

Bills rolled for one week:

HB 2668 by Rep. Hackworth
HB 2917 by Rep. Maggart
HB 2797 by Rep. Buck
HB 4197 by Rep. Fincher

Civil Practice & Procedure Subcommittee

The Civil Practice & Procedure Subcommittee met to discuss thirty bills on its calendar. House Bill 3406 by Rep. Buck addressing surety liability for bail bonds was referred to the Criminal Practice & Procedure Subcommittee. House Bill 3761 by Rep. Todd, which provides immunity to law enforcement officers when lawfully pursuing a suspect, was rolled to the last calendar of the Civil Practice & Procedure Subcommittee.

The following house bills were approved for passage to the Full Judiciary Committee:

HB 2595 by Rep. Coleman increases the maximum amount of a minor's or disabled person's money or property which can be distributed without the appointment of a guardian or conservator from ten-thousand dollars (\$10,000) to twenty-thousand dollars (\$20,000).

HB 2718 by Rep. Fincher creates the Tennessee Taxpayer and Citizen Protection Act of 2008. It authorizes certain entities to manufacture identification documents: businesses, companies, corporation for employee id; federal, state and local governmental agencies for legitimate purposes; public or private schools to id the bearer as a student, employee, etc.; professional organization or labor union to the bearer as a member of the organization. All identification documents issued by public school or state or private institutions or federal, state and local government agencies are to be issued only to U.S. citizens, nationals and legal permanent resident aliens unless an applicant presents certain evidence of lawful presence in the state. Also, the bill denies eligibility for any postsecondary education benefits or resident tuition for any person who is not lawfully present in the United States.



Civil Chair Fincher

HB 2469 by Rep. S. Jones, as amended, requires the Department of Children's Services to release records of a child in the following circumstances: to any child abuse review teams or child fatality review teams authorized or created by state law; any grand jury or court with a court order; any federal, state or local government entity or agent of such entity that has a need for info to carry out responsibilities to protect children from abuse; to any member of the general assembly who has been contacted by a party involved in a report in order to verify that personnel are properly applying and enforcing statutory requirements with respect to services for children in state custody. All personal identifying information received by the member is not a public record and shall remain confidential in accordance with state and federal regulations regarding confidentiality.

HB 3162 by Rep. S. Jones requires the Department of Children's Services and school systems to release records to any child abuse or sexual abuse victim or to such victim's parent or guardian, if not the perpetrator. Information to protect the identity of the person making the report and any person whose safety may be endangered by the disclosure will be edited out of the records.

HB 4113 by Rep. Odom authorizes the attorney general, or any attorney working under the control or supervision of the attorney general, to disclose otherwise confidential information in discharge of the duty to enforce or defend the Tennessee Tobacco Manufacturers' Escrow Fund Act of 1999, or any litigation, arbitration or proceeding related to the act or the Tobacco Master Settlement Agreement.

HB 2832 by Rep. Shepard allows the right to appeal a decision of the general sessions court to the circuit court of the county. Currently, the right to appeal to circuit court applies to adverse decisions.

HB 3949 by Rep. Overbey, as amended, makes technical changes to Article 1 of the Tennessee Uniform Commercial Code dealing with general provisions.

HB 3950 by Rep. Overbey, as amended, revises the Tennessee Uniform Commercial Code Article 7 dealing with documents of title such as warehouse receipts, bills of lading and other documents of title. One major change in the law addresses electronic documents of title. This bill distinguishes between tangible and electronic documents of title.

HB 1993 by Rep. Overbey, as amended, revises medical malpractice provisions. The house amendment

is very similar to the amendment that passed the senate last year.

The following is a list of bills rolled 1 week:

HB 2412 by Rep. Buck
HB 2657 by Rep. Hackworth
HB 2473 by Rep. S. Jones
HB 4103 by Rep. Odom
HB 3736 by Rep. Pitts
HB 2833 by Rep. Shepard
HB 1523 by Rep. Campfield
Hb 3763 by Rep. Overbey
HB 3415 by Rep. Sargent
HB 4053 by Rep. Rinks
HB 2499 by Rep. Odom

Rolled 2 weeks:

HB 186 by Rep. Fincher
HB 2721 by Rep. Fincher
HB 2834 by Rep. Shepard
HB 3850 by Rep. Montgomery
HB 3765 by Rep. Overbey
Hb 2907 by Rep. DuBois

Off notice:

HB 4124 by Rep. Fincher
HB 2421 by Rep. Moore

Criminal Practice & Procedure Subcommittee

The Criminal Practice and Procedure Subcommittee heard its special firearms calendar. The Chair, Rep. Sontany, announced that the Criminal Practice & Procedure Subcommittee will hear the last of its bills for this legislative session on April the 2nd. As a reminder, the Criminal Practice & Procedure Subcommittee will have a special DUI calendar next week.



Criminal Chair Sontany

The following is a list of bills that were approved for passage to the Full Judiciary Committee:

HB 2589 by Rep. J. DeBerry creates a Class B misdemeanor offense for any person to intentionally display in a threatening manner an imitation firearm in a public place. There are a number of defenses to this offense including, but not limited to the following: displayed in the course of commerce such as film or for service or repair; theatrical productions; in conjunction with professional or amateur sporting events or competition; military or civil defense activities.

HB 1875 by Rep. McDonald, as amended, prohibits hunting with a firearm on public lands or public waters while under the influence of alcohol or any intoxicant.

HB 2632 by Rep. J. DeBerry exempts a person with the legal authority to carry a weapon from prosecution for the misdemeanor offense of unlawful possession of a weapon.

HB 2743 by Rep. J. DeBerry broadens the Class E felony offense for a person to possess a handgun and have a prior felony conviction. Currently, a person commits this Class E felony if he or she possesses a handgun and: was convicted of a felony offense involving the use or attempted use of force, violence or a deadly weapon; or has been convicted of a felony drug offense.

HB 3509 by Rep. U. Jones expands the circumstances in which a person may use deadly force in self defense or in defense of a third party to include a business.

Bills rolled 2 weeks:

HB 3137 by Rep. Bass
HB 3627 by Rep. Bass
HB 3410 by Rep. Buck
HB 702 by Rep. McCord
HB 3622 by Rep. Watson
HB 3683 by Rep. Hill

The following is a list of bills that failed:

HB 410 by Rep. Todd, as amended, authorizes a person with a handgun permit, who is not consuming alcohol to carry a handgun into an establishment that derives sixty percent (60%) of its gross annual revenue from the sale of food. Also, there is a posting requirement within the establishment.

HB 3293 by Rep. Vaughn permits a person who has been voluntarily hospitalized in a mental institution to obtain a handgun carry permit after seven years. Currently, a person is ineligible to obtain a handgun permit if they have been committed to or hospitalized in a mental institution.

HB 3667 by Rep. Niceley authorizes any Tennessee resident with a valid handgun permit to possess a handgun within the boundaries of any state park.

HB 3014 by Rep. Campfield authorizes full-time faculty and staff at any public postsecondary institution in Tennessee to carry handguns on school premises in which they are employed upon receiving a written directive from the head of the institution and upon completing annual basic firearm training of at least eight (8) hours.

Off notice:

HB 2631 by Rep. J. DeBerry
HB 2744 by Rep. J. DeBerry
HB 2745 by Rep. J. DeBerry
HB 3714 by Rep. J. DeBerry
HB 3148 by Rep. J. DeBerry
HB 3868 by Rep. Watson
HB 3039 by Rep. Bell
HB 2843 by Rep. DuBois
HB 3046 by Rep. Matheny

state & local government

Lawrence Hall, Jr.

This week in the State and Local Government full



Chairman Jones

committee there were twenty-five bills on the calendar. Only four were passed to Calendar and Rules, two to Finance, Ways and Means and three to Government Operations. Time expired and the rest of the bills were moved to a later calendar.

Calendar and Rules:

-HB 3381 by Odom - Redefines

audit and investigatory information; changes frequency and manner of ethics training for lobbyists; and limits disclosure of personal financial records.

-HB 3002 by Pinion - Expands authority for Dyer County trustee to accept partial payment of property taxes to include electronically via electronic fund transfers, preauthorized bank payments, wire transfers, ACH credits, or other method of electronic payment.

-HB 3374 by Shepard – This bill clarifies statutory requirements for moving single family residences from one foundation to another located within a developed area of single family residences.

-HB 3840 by Turner M – This bill provides for the establishment of an economic impact plan.

Finance, Ways and Means:

-HB 3727 by Fitzhugh – This bill revises various provisions governing real and personal property tax exemptions such as provision for exemption for church parsonage and provision governing exemptions for federally assisted housing.

-HB 3969 by Armstrong - Requires a non-partisan special election to be held when two or more simultaneous vacancies occur on any county legislative

body and 12 or more months remain prior to the next August general election.

Government Operations:

-HB 3211 by Gilmore – This bill requires all inmates to be tested for HIV before release from any department of correction institution.

-HB 2855 by S. Jones – This bill revises various fees for county clerks.

-HB 3958 by Curtiss – This bill enacts the “Regional Jail Authority Act.”

The rest of the calendar was rolled due to time expiring.

State Government Subcommittee

This week in State Government Subcommittee seven of fifteen bills passed to full committee and all others were either rolled to future dates or taken off notice.

Full Committee:

-HB 3725 by Fitzhugh – This bill revises provisions under the Tennessee State Revenue Sharing Act, regarding TVA payment in lieu of taxes, governing allocation to the University of Tennessee for use in operating the county technical assistance service.

-HB 3726 by Fitzhugh - Revises provisions reporting requirements for certain entities operating under payment in lieu of tax (PILOT) agreements; imposes penalty for failure to file certain economic development plans in timely manner; revises other related provisions.

-HB 3005 by Harmon – This bill



Rep. Fitzhugh

authorizes TRICOR board to prepare and use publications for marketing and public education.

-HB 3819 by Harmon – This bill eliminates certain administrative requirements concerning legislation transmitted to agencies for review.



Rep. Gresham

-HB 3891 by Gresham - Authorizes TEMA to establish and administer a grant program to assist in the partial reimbursement of installation costs for safe rooms and in-ground shelters.

-HB 2568 by Curtiss – This bill requires forfeiture of access to health insurance benefits by any member of the general assembly convicted of a felony involving public office.

-HB 3753 by Todd – This bill waives registration fee for certain lobbyists.

Rolled Bills:

- HB 3328 by Brown – 1 Week
- HB 2742 by Hardaway – 1 Week
- HB 2948 by Lynn – 1 Week
- HJR 116 by Gilmore – 1 Week
- HB 3800 by Curtiss – 1 Week
- HB 3692 by Brooks – 1 Week
- HB 3507 by U. Jones – Off Notice
- HB 3876 by U. Jones – Off Notice

Local Government Subcommittee

Full Committee:

This week in Local Government subcommittee there were nineteen bills on the calendar for consideration. Six bills passed to full committee to be heard next week. The remaining bills were set for later meetings or taken off notice.

-HB 3306 by Lynn - Requires a municipality to first obtain an independent appraisal of the fair market value

of real property to be acquired prior to purchasing or entering in a contract for the purchase, lease, or lease-purchase of the real property.

-HB 3059 by Lundberg - Creates a Class B misdemeanor offense of consuming alcoholic beverage while driving motor vehicle on public highway and Class C misdemeanor offense of possessing open container of alcoholic beverage within passenger area of motor vehicle on public highway.

-HB 3867 by Hood – This bill authorizes county mayors to employ a county fire marshal if funds are appropriated by the county legislative body for such position.

-HB 2750 by Dunn - Authorizes a governing body to allow electronic communication between members under certain conditions; and exempts qualifying communication from open meetings law.

-HB 3788 by Moore – This bill provides that taxpayer who fails or refuses to sign reporting schedule regarding certain intangible personal property with assessor of property is deemed to have waived objections to the forced assessment.



Rep. Moore

-HB 3266 by Moore – This bill, as amended, removes the requirement to show a store clerk's last name on his or her name badge as required by the "Responsible Vendors Act".

Rolled Bills:

- HB 3994 by L. DeBerry – 3 Weeks
- HB 3973 by Armstrong – 1 Week
- HB 3972 by Armstrong – 1 Week
- HB 3195 by Hardaway – 1 Week
- HB 3186 by Hardaway – 1 Week
- HB 2442 by Hardaway – 1 Week
- HB 2544 by H. Brooks – 2 Weeks
- HB 3927 by Lundberg – 1 Week
- HB 3281 by Maddox – 1 Week

- HB 4027 by Crider – Last Calendar
- HB 706 by McCord – Off Notice
- HB 2913 by West – 1 Week
- HB 3620 by Maddox – 1 Week

Elections Subcommittee

This week in Elections Subcommittee every bill was rolled to next weeks calendar except for ***HB 3050 by Mumpower***, this bill was taken off notice. Next week will be the last meeting of the Elections Subcommittee.



Chairman Pinion

Before taking up the calendar, the committee heard the Tennessee Department of Transportation's budget presentation.

HB3474 (Curtiss) authorizes issuance of Mothers Against Methamphetamine (MAMA) new specialty earmarked license plates and allocates 50 percent of funds derived from sale thereof to Mothers Against

Methamphetamine. The bill was passed by the committee and will be placed in the **Omnibus License Plate Bill**.

HB3164 (Bibb) prohibits parking or leaving a motor vehicle on an exit or entrance ramp unless such motor vehicle is disabled. On March 5 an amendment to the bill was adopted that corrects a typographical error and authorizes the department of safety to take into consideration an emergency situation or compliance with federal laws. The bill was passed by the committee and referred to the **Calendar and Rules Committee**

The following bills were referred to the **Finance, Ways and Means Committee**:

HJR908 (Crider) – “James Howard Appleton / Margaret Hopper Crider Memorial Highway” highway signs on a segment of U.S. Highway 70A/79 in Gibson County. An amendment was adopted for Gibson County to pay for the signs.

HB2798 (Buck) – “Lt. Colonel Linden Lee Gill Highway” highway signs on a segment of State Route 53 in Smith County. Two amendments were adopted by the committee. The first clarified the segment of State Route 53 being named. The second requires that Smith County is to pay for the signs.

HB2800 (Buck) – As amended, “Private First Class Woodrow Wilson Winfree Memorial Bridge” highway signs on a bridge spanning Mulherrin Creek on State Route 141 in Smith County.

HB3904 (Fincher) – removes the requirement that permanently disabled passengers of motor vehicles must renew a disabled placard every two years.

HB1039 (C. Cobb) was deferred for one week.

Public Safety & Rural Roads Subcommittee

The **Public Safety & Rural Roads Subcommittee** met March 18, 2008 to consider twelve bills.

A motion to reconsider last week's action of sending **HB2626** (Hardaway) to summer was adopted by the committee. The bill will be placed on next week's calendar.

HB3610 (L. Turner), **HB2590** (Richardson), and **HB3193** (Hardaway) were rolled for one week.

HB2656 (Hackworth) was returned to the Clerk's desk pursuant to Rule 81(2).

HB3016 (Litz) was taken off notice.

The following bills were referred to the full **Transportation Committee**.

HB2814 (Tidwell) – Authorizes a custom built motor vehicle to be titled as the make, model, and year of the car it most resembles. An amendment was adopted that adds a requirement that the car must be intended to replicate the make, model, and year of



Rep. Tidwell

the manufactured vehicle and that the title clearly identifies the custom-built car as a replica in order to title a custom-built car pursuant to this bill.

HB2529 (C. Cobb) – Provides that a motor vehicle operator who knowingly ignores a flood warning sign or barricade placed at a flooded road area commits reckless driving. The bill also provides governmental immunity for the governmental entity that posted the sign or barricade.

HB3233 (Shepard) – Increases punishment for second and third or subsequent violation of “move over” law and clarifies that “move over” violation that results in threat of injury or death can be punished as reckless endangerment, criminally negligent homicide, reckless homicide, or vehicular homicide.

HB3933 (DuBois) – As amended, encourages the Department of Safety to increase its efforts to educate motorists about the “*THP (*847) Program” and to use it to report drivers who are violating the rule of the road.

HB2723 (Richardson) – Increases the penalty for improperly parking in any parking space designated with the wheelchair disabled sign from \$150 to \$200 and not less than five hours of community service work.

HB2893 (Gilmore) – As amended, requires motor carriers, with a capacity of 30 or more passengers, with a gross vehicle weight greater than 26,000 pounds, and providing passenger transportation service more than 50 miles from primary place of business, to maintain automated electronic defibrillators in vehicles and train drivers to use such devices. Any motor vehicle used to transport children to or from school is exempt.

HB2766 (Bass) – Adds four-wheeled gasoline vehicles with a top speed between 20 and 25 miles per hour to the definition of “low speed vehicle” that may only be operated on streets where the posted speed limit is 35 miles per hour or less.

Public Transportation & Highways Subcommittee

The **Public Transportation & Highways Subcommittee** met on March 12, 2008 to consider seven bills. **HB2781** (Tindell), **HB2679** (Casada) and **HB3259** (Pinion) was deferred for one week.

The following bills were passed to the full **Transportation Committee**:

HJR927 (Windle) – “Edward (Dooley) Hood Memorial Highway” highway signs on a segment of U.S. Highway 127 in Fentress County.

HJR336 (Maddox) – Expresses intent to name appropriate bridge on State Route 840 in honor of the late Sergeant Dustin D. Laird, Tennessee National Guard.

HB2620 (Rinks) – Authorizes issuance of military family assistance new specialty earmarked license plates; allocates 50 percent of funds derived from sale thereof to the military family assistance trust fund.

HJR946 (Tidwell) – “Marshall P. Ledbetter, Sr. Memorial Bridge” highway signs on Bridge 60-SR243-11-.38 on State Route 243 in Maury County.

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